

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1553

Introduced by Senator Lowenthal

February 24, 2012

An act to add and repeal Section 84215.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1553, as amended, Lowenthal. Political Reform Act of 1974: campaign statements: electronic filing.

(1) The Political Reform Act of 1974 requires elected officers, candidates for elective office, and campaign committees to file campaign statements reporting contributions and expenditures for specified reporting periods. Under the act, city elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees are required to file campaign statements with the clerk of the city.

This bill would create a pilot program for the 2013 through 2014 reporting periods that authorizes the City of Long Beach to permit any person who files a campaign statement with the city clerk to file online or electronically, consistent with specified requirements. In addition, the bill would require the City of Long Beach, if it chooses to participate in the pilot program, to prepare a report evaluating the program under specified criteria, and would further require the Legislative Analyst's Office to prepare a report evaluating the program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for a pilot program in the City of Long Beach.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84215.5 is added to the Government
2 Code, to read:

3 84215.5. (a) The City of Long Beach may permit any person
4 who files a campaign statement with the city clerk pursuant to
5 subdivision (d) of Section 84215 to file online or electronically,
6 consistent with all of the following:

7 (1) The online or electronic filing system shall accept a filing
8 only in the standardized record format that is developed by the
9 Secretary of State pursuant to paragraph (2) of subdivision (a) of
10 Section 84602 and that is compatible with the Secretary of State's
11 system for receiving an online or electronic filing.

12 (2) The online or electronic filing system shall ensure the
13 integrity of the data transmitted and shall include safeguards against
14 efforts to tamper with, manipulate, alter, or subvert the data.

15 (3) (A) *The city clerk shall issue to a person who files a*
16 *statement, report, or other document online or electronically an*
17 *electronic confirmation that notifies the filer that the statement,*
18 *report, or other document was received. The confirmation shall*
19 *include the date and the time that the statement, report, or other*
20 *document was received by the city clerk and the method by which*
21 *the filer may view and print the data received by the city clerk.*

22 (B) *A copy retained by the filer of a statement, report, or other*
23 *document that was filed online or electronically and the*
24 *confirmation issued pursuant to subparagraph (A) that shows the*
25 *filer timely filed the statement, report, or other document shall*
26 *create a rebuttable presumption that the filer timely filed the*
27 *statement, report, or other document.*

1 ~~(3)~~

2 (4) The date of filing for a statement, report, or other document
3 that is filed online or electronically shall be the day that it is
4 received by the city clerk.

5 ~~(4)~~

6 (5) The city clerk shall make all the data filed available on the
7 Internet in an easily understood format that provides the greatest
8 public access. The data shall be made available free of charge and
9 as soon as possible after receipt. The data made available on the
10 Internet shall not contain the street name and building number of
11 the persons or entity representatives listed on the electronically
12 filed forms or any bank account number required to be disclosed
13 by the filer. *The city clerk shall make a complete, unredacted copy*
14 *of any statement, report, or other document filed pursuant to this*
15 *section, including any street names, building numbers, and bank*
16 *account numbers disclosed by the filer, available to any person*
17 *upon request.*

18 ~~(5)~~

19 (6) The online or electronic filing system shall include a
20 procedure for filers to comply with the requirement that they sign
21 statements and reports under penalty of perjury pursuant to Section
22 81004.

23 ~~(6)~~

24 (7) The city clerk shall enable filers to submit filings free of
25 charge.

26 ~~(7)~~

27 (8) The city clerk shall maintain, for a period of *at least* 10 years
28 commencing from the date filed, a secured, official version of each
29 online or electronic statement, report, or other document filed
30 pursuant to this section, which shall serve as the official version
31 of that record for purpose of audits and any other legal
32 purpose. *Data that has been maintained for at least 10 years may*
33 *then be archived in a secure format.*

34 ~~(8)~~

35 (9) Notwithstanding any other provision of law, any statement,
36 report, or other document filed online or electronically pursuant
37 to this section shall not be required to be filed with the city clerk
38 in paper format.

39 (b) If the City of Long Beach chooses to participate, the pilot
40 program created pursuant to this section shall commence on or

1 after January 1, 2013, and shall be completed by January 31, 2015.
2 The pilot program shall include all reporting periods commencing
3 January 1, 2013, and ending December 31, 2014.

4 (c) (1) If the City of Long Beach chooses to participate in the
5 pilot program created pursuant to this section, the city shall submit
6 to the Commission, by July 1, 2015, a report on the pilot program
7 that shall include all of the following:

8 (A) A listing and estimate of associated operational efficiencies
9 and related savings.

10 (B) A listing and estimate of associated costs from implementing
11 and operating the pilot program.

12 (C) A listing of safety, security, or privacy issues encountered
13 and an explanation of the manner in which those issues were
14 addressed.

15 (D) Available information relating to feedback from electronic
16 filing participants.

17 (E) Any other relevant information on the implementation of
18 the pilot program.

19 (2) The Commission shall transmit the report received pursuant
20 to paragraph (1), as well as any comments on the report, to the
21 Legislative Analyst's Office by August 15, 2015. The Legislative
22 Analyst's Office shall provide a report to the Legislature evaluating
23 the pilot program by February 1, 2016.

24 (3) The Commission, in consultation with the Legislative
25 Analyst's Office, may develop additional criteria for the report to
26 be submitted by the City of Long Beach pursuant to paragraph (1).

27 (d) This section shall remain in effect only until January 1, 2017,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2017, deletes or extends that date.

30 SEC. 2. The Legislature finds and declares that a special law
31 is necessary and that a general law cannot be made applicable
32 within the meaning of Section 16 of Article IV of the California
33 Constitution because of the need to create a pilot program in the
34 City of Long Beach to test the benefits of electronic filing of
35 campaign statements in order to develop a practical model that
36 will assist other local agencies in implementing their own electronic
37 filing procedures in the future.

38 SEC. 3. The Legislature finds and declares that this bill furthers
39 the purposes of the Political Reform Act of 1974 within the

1 meaning of subdivision (a) of Section 81012 of the Government
2 Code.

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